

1 **“Article 5. Transfer Pursuant to Treaty.**

2 **§95.10.** When a treaty is in effect between the United States and a
3 foreign country that provides for the transfer of convicted offenders who are
4 citizens or nationals of the foreign country, upon the recommendation of the
5 Attorney General of Guam, *I Maga’lahen Guåhan* (the Governor of Guam)
6 or the Director of the Department of Corrections, if designated by *I*
7 *Maga’lahi* (the Governor), on behalf of the island and subject to the terms of
8 the treaty; may consent to the transfer of the convicted offenders who are
9 under the jurisdiction of the Department of Corrections to the place or
10 jurisdiction specified in the treaty. *I Maga’lahen Guåhan* (the Governor)
11 may take any other action necessary to initiate the participation of this
12 territory in the treaty.”

13 **Section 33. DPW Building And Design Fee Revolving Account.**

14 §66409(c) of Article 4, Chapter 66 of Title 21, Guam Code Annotated, is hereby
15 *amended* to read:

16 **“(c) Creation of Revolving Fund.** On the effective date of this Section, a
17 revolving fund, designated as the “DPW Building and Design Fee Account”, *shall*
18 be established separate and apart from other funds of the government of Guam, and
19 separate records *shall* be kept therefore. All fees collected for plan checking
20 reviews by the Department of Public Works *shall* be deposited into the Fund, and
21 *shall not* lapse at the end of the fiscal year but *shall* rollover into the next fiscal
22 year or until expended. The Director of Public Works *shall* administer the Fund
23 and *shall* issue vouchers properly certifying the use of the Fund’s monies. The
24 monies deposited in the Fund *shall* be expended *only* for the operations of the
25 Division of Engineering-Capital Improvement Project Building Permits and
26 Inspection Section. The Director *shall* comply with all existing reporting
27 requirements by issuing a quarterly accounting of the Fund to *I Maga’lahen*

1 *Guåhan, I Liheslaturan Guåhan* and the Office of Public Accountability. The
2 Director *shall* ensure the DPW Building and Design Fee Account Fund is in
3 compliance with all existing statutes, rules and regulations, codes, executive
4 orders, and any other authority which is applicable to the Department of Public
5 Works Division of Engineering-Capital Improvement Project Building Permits and
6 Inspection Section. All monies in the Fund *shall* require legislative appropriation,
7 and are *not* subject to *I Maga'lahi's* transfer authority. The funds deposited into
8 the "DPW Building and Design Fee Account" *shall* be subject to legislative
9 appropriation."

10 **Section 34. UOG, GCC and DOE Exemption From The Guam State**
11 **Clearinghouse.** §2101.1 (f) of Chapter 2 of Title 5, Guam Code Annotated is
12 hereby *amended* to read:

13 " (f) With the exception of the Guam Community College, the
14 University of Guam, and the Guam Department of Education, and
15 notwithstanding any other provision of law to the contrary, no
16 application for any Federal aid programs, grants, loans, contracts,
17 contributions, advances, direct Federal development, or other Federal
18 funding shall be submitted or deemed approved on behalf of the
19 government of Guam or any agency, division, office, department or
20 instrumentality thereof, or any public corporation, without the final
21 approval of the Director of the Guam State Clearinghouse."

22 **Section 35. UOG, GCC and DOE Exemptions And Guam State**
23 **Clearinghouse Duties.** §2101.3 of Chapter 2 of Title 5, Guam Code Annotated, is
24 hereby *amended* to read:

25 **"§ 2101.3. UOG, GCC and DOE Exemptions.**

26 The University of Guam, the Guam Community College, and the
27 Department of Education *shall* be exempted from the provisions prescribed

1 in Title 5 GCA §§ 2101, 2101.1 and 2101.2. However, the Presidents of the
2 University of Guam and the Guam Community College, and the
3 Superintendent of the Department of Education *shall* separately perform the
4 following duties and responsibilities:

- 5 (a) administer the initiation, coordination and review process of all
6 activities within the institution involving Federal financial
7 assistance;
- 8 (b) ensure that grant proposals for Federal assistance are in
9 accordance with plans, policies, programs, objectives and
10 procedures of the government of Guam;
- 11 (c) ensure that proposed projects for which Federal financial
12 assistance is sought are fiscally and environmentally sound and
13 are in compliance with all applicable Federal laws;
- 14 (d) ensure that the institution complies with all applicable Federal
15 laws relating to Federal financial assistance, and that there exists
16 sound tracking, management, and financial accountability for all
17 Federal Programs awarded to the institution;
- 18 (e) perform cost analysis on all Federal aid programs, grants, loans,
19 contracts, contributions, advances, direct Federal development, or
20 other Federal funding that the institution is applying for, for the
21 financial impact on the institution and the government of Guam's
22 General Fund or special funds used to fund the local matching
23 requirement as prescribed by Federal law; and the financial
24 impact on the institution and the government of Guam for the
25 continuation of the Federal program should the Federal funding
26 expire and require the government of Guam to financially assume
27 the program's operation one hundred percent (100%); and

1 (f) the Presidents of the University of Guam and the Guam
2 Community College, and the Superintendent of the Department of
3 Education may delegate any of the foregoing duties and
4 responsibilities to any officers or employees of their respective
5 institution.”

6 **Section 36. Contact Information For IFB/RFP.** Subsection (b) of §5220
7 of Part 3 of Article 3, Chapter 5 of Title 5 of the Guam Code Annotated, as added
8 by P.L. 31-228 is hereby *amended* to read:

9 “(b) The procuring agency, and GSA and DPW if applicable, *shall*
10 provide notice in each IFB/RFP announcement that recommends that
11 prospective bidders/respondents register contact information with the agency
12 to ensure that they receive any notices regarding any changes or updates to
13 the IFB/RFP. The procuring agency, and GSA and DPW *shall not* be liable
14 for failure to provide notice to any party who *did not* register contact
15 information.”

16 **Section 37. Establishment of the Environmental Public Health Officer**
17 **Position Series of the Division of Environmental Health, Department of Public**
18 **Health & Social Services.**

19 **(a) Legislative Intent.** Public Law 30-138, also known as “*the*
20 *Environmental Public Health Modernization and Revitalization Act of 2010*”, was
21 enacted on May 17, 2010 with the anticipation that the law would be implemented
22 by December 2010 to improve the operations of the Division of Environmental
23 Health of the Department of Public Health and Social Services so as to better
24 protect the public’s health from environmental hazards through the creation of a
25 new position series with increase qualification standards and the application of a
26 competitive salary to promote the recruitment and retention of employees in these
27 positions. Because *I Liheslaturan Guåhan* has yet to receive the proposal for the